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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,196	03/19/2004	Andre Veinotte	2003P03176US01	6515
9629	7590	08/25/2006	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			NGUYEN, THU V	
			ART UNIT	PAPER NUMBER

3661

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/804,196	VEINOTTE, ANDRE	
	Examiner	Art Unit	
	Thu Nguyen	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/14/04; 11/16/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed December 14, 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. Specifically, document JP 11229975 is not provided.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re*

Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-3, 5-11, 13-16 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3, 12, 14, 19-20 of copending Application No. 10/804,197. Although the conflicting claims are not identical, they are not patentably distinct from each other because the combined claims 1-3, 12, 14, 19-20 discloses similar method and structure of the vapor collection canister for a fuel vapor emission control system with essential features such as: measuring temperature of the adsorbent, controlling purging of the adsorbate according to the measured temperature, determining the adsorbant front, transmitting temperature signal to a printed circuit board which in turn transmit the signal to the electronic unit. Other features such as the including pressure management valve at a conduit would have been well known.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seki et al (US 5,251,592).

As per claim 1, Seki teaches a method for managing the saturation level of a vapor collection, the method comprises: flowing the fuel vapor through a canister between a first port 23 (fig.1) and a second port 30 (fig.1) (col.6, lines 66-68; col.7, lines 1-4), signaling with a sensor the temperature of an adsorbant disposed in the canister flow path (col.7, lines 27-36). Seki does not explicitly teach that the sensor is exposed to the adsorbant, however, since sek i teaches the capability of determining the temperature at certain point in the adsorbant (col.7, lines 27-36; col.9, lines 29-40) and since exposing the temperature sensor at certain point of contact to accurately detect the temperature at the specific point would have been well known, Seki obviously encompasses teaching exposing the temperature sensor at point A, B (fig.1) in the adsorbant material in order to detect the temperature at the specific point A, B of the adsorbant.

As per claim 2, Seki teaches signaling the temperature of a plurality of portions of the adsorbant with a plurality of sensors 31, 32 (fig.1) in the respective portions of the adsorbant (col.7, lines 31-38).

As per claim 3, Seki teaches locating an adsorbant front based on the temperature signal (col.9, lines 48-64).

6. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seki et al (US 5,251,592) in view of Aramaki (US 5,113,834).

As per claim 4, Aramaki teaches purging the adsorbate when the front advances to a portions of the adsorbant (col.5, lines 55-61). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to purge the adsorbate when the first portion of the adsorbant is saturate and the front is moving to the second portion in the system of Seki as taught by Aramaki in order to prepare the first portion for readiness of accepting the coming vapor.

As per claim 5, Seki teaches receiving temperature signals with an electronic computer (col.11, lines 10-12); sending an actuating control signal to a solenoid actuated valve 26 (fig.1) in the first conduit purge flow path (col.13, lines 52-57) between the first port 23 (fig.2) and an internal combustion engine 1 (fig.1), passing the vapor to the intake manifold of the internal combustion engine would have been well known.

7. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seki et al (US 5,251,592) in view of Aramaki (US 5,113,834) and further in view of Belanger (US 2004/0099254).

As per claim 6, Belanger teaches purging including flowing atmospheric air through a second conduit through the canister flow path and flowing the ambient air through the first conduit 34 (fig.1) (para 0023). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to flow the atmospheric air to the conduit of the canister of Seki as taught by Belanger in order to desorb the adsorbed vapor from the adsorbent.

As per claim 7-8, using pressure management valve 26 (fig.1) to manage pressure of the canister purge valve (col.7, lines 1-4). Further, transmitting information directly or through an intermediate circuit board would have been obvious matter of design choice.

8. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seki et al (US 5,251,592) in view of Belanger (US 2004/0099254).

As per claim 9-11, refer to claims 1-3 above. Further, with respect to claim 9, Seki teaches the vapor emission control system including: fuel tank head space 21 (fig.1), vapor collection canister 27 (fig.1), canister purge valve 28 (fig.1), pressure management valve 26 (fig.1), electronic circuit 5 (fig.1), a first conduit 23, 30 (fig.1), including a purge valve 28 (fig.1). moreover, Belanger teaches including a second conduit 32 (fig.1) with valve 14 (fig.1), furthermore, since the valve 14 controls timing of the purge, and since the opening and closing of

the valve is well known to affect the pressure, Belanger encompasses teaching the pressure management valve 14 (fig.1). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the second conduit of the canister of Seki as taught by Belanger in order to desorb the adsorbed vapor from the adsorbent.

9. Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seki et al (US 5,251,592) in view of Belanger (US 2004/0099254) and further in view of Aramaki (US 5,113,834).

As per claim 12-16, refer to claims 4-8 above.

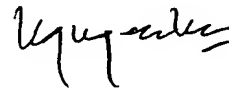
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (571) 272-6967. The examiner can normally be reached on T-F (7:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 8, 2005



THUY V. NGUYEN
PRIMARY EXAMINER